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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
RICHLAND DIVISION

SALVADOR PAZ-CORTES,

Plaintiff,

v.

EDISON A. VALERIO,

Defendant.

NO. 4:20-cv-05072-TOR

PLAINTIFF'S RESPONSE TO
ORDER TO SHOW CAUSE

1. Plaintiff, through counsel, submits this statement in response to this Court's August 18, 2020 Order to Show Cause (Docket No. 4) regarding service of process. Plaintiff's counsel declares and attests as follows:

1 2. This case was filed on May 4, 2020.

2
3 3. On May 13, 2020, pursuant to FRCP 4(d), Plaintiff's counsel sent the following
4 documents to Defendant Edison Valerio via regular mail:

- 5
6 a. Notice of Lawsuit and Request for Waiver of Service;
7 b. Waiver of the Service of Summons (2 copies);
8 c. Summons;
9 d. Complaint; and a
10 e. Self-addressed stamped envelope;

11 4. Pursuant to its express language, the Notice of Lawsuit and Request for Waiver
12 of Service gives the Defendant thirty days to respond.

13 5. On June 8, 2020, counsel for Defendant (Brian Davis) contacted Plaintiff's
14 counsel and was requested to accept service of process on behalf of Defendant.

15 6. On June 17, 2020 Mr. Davis informed Plaintiff's counsel that he would accept
16 service on behalf of Defendant. On that same day Plaintiff's counsel provided Mr. Davis with
17 a proposed Waiver of Service pursuant to FRCP 4(d).

18 7. Over the next two months, counsel for Plaintiff's counsel and Defendant's
19 counsel exchanged numerous communications regarding the filing of the acceptance of service,
20 including on: June 29, July 6, July 9, July 20, August 8, and August 18. During those
21 communications, Defendant's counsel never repudiated his agreement to accept service and
22 expressly stated that the filed acceptance would be forthcoming.

23 8. On August 18, 2020 this Court entered an Order to Show Cause (Docket No. 4)
24 pursuant to FRCP 4(m).

1 9. On August 19, 2020, Defendant filed his Notice of Appearance (Docket No. 5)
2 Acceptance of Service, (Docket No. 6), and Answer and Counterclaim (Docket No. 7).

3 10. Although service was accepted by counsel (via email) within the time required
4 under FRCP 4, proof of service was not filed because a more formal acceptance was anticipated,
5 and Plaintiff's counsel repeatedly followed up.

6 11. As a Notice of Appearance, Acceptance of Service, and Answer and
7 Counterclaim have now been filed, the case is at issue. Good cause exists pursuant to FRCP 4
8 to extend the time for filing the proof of service (or for service) pursuant to FRCP 4.
9

10 12. Plaintiff respectfully requests that this Court deem this case at issue and find that
11 good cause has been demonstrated.

12 Respectfully submitted this 21st day of August 2020.

13 BRENEMAN GRUBE OREHOSKI, PLLC

14 By: /s/ Joseph A. Grube
15 Joseph A. Grube, WSBA #26476
16 Attorneys for Plaintiffs
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